

REMARKS/ARGUMENTS

Claims 1-27 and 38-63 are currently pending. Claims 1-27 and 38-63 stand improperly rejected.

FINALITY

The finality of the present Office Action is premature. As noted in Applicant's previous response the rejection of Claims 20-22 and 57-59 is improper on its face as well as the rejection of Claims 14-27 and 51. Claims 20-22 and 57-59 depend from Claims 1 and 38, respectively. **The Office acknowledges that the combination of Zendle and Carney "fails to explicitly disclose a first communication processor operatively connected to a plurality of wireless communication link interfaces"**. However, in the present rejection, as well as in the previous Office Action, the Office has failed to even attempt to provide the elements acknowledged to be missing in Zendle and Carney. Therefore, the rejections fail as Zendle, Carney, with or without Stanwood, fail to meet the limitations of Claims 1 and 38.

The finality must therefore be withdrawn.

OBJECTIONS

The Office states that the terms "adapted to", "whereby", "thereby" and "wherein" make the features following the terms optional and requests their deletion from the

claims. Applicant states that the features following the above terms are limitations.

Therefore the objection is rendered moot.

RESPONSE TO OFFICE'S ARGUMENTS

In response to Applicants previous response, the Office makes a conclusory statement that "Hub indoor units are known in the art for having such line cards and it would have been obvious to one skilled in the art to realize an indoor unit, whether a hub indoor unit or a subscriber indoor unit includes line cards for signal processing purposes". The Offices rebuttal is improper for at least two reasons. First, the statement "Hub indoor units are well known in the art for having such line cards" was not a basis for the underlying rejection. If that is the position the Office is forwarding, it **must** be stated in the rejection. The rejection currently states Zendle discloses "the hub includes indoor units 622 with line cards". Applicant is entitled to know the grounds on which the rejection is based. Does Zendle disclose a hub with line cards, or are line cards in the hub obvious?

Secondly, the claims specifically recite a hub and plural nodes, to which the Office has equated the hub (704) and remote subscriber systems (716) of Zendle, respectively. Yet the Office seems unable to distinguish between the two. The subscriber system 716 in a multi-user system includes both an outdoor unit 804 and an indoor unit 806. These indoor and outdoor units should not be confused the indoor unit of the Hub 622. Again, the Office incorrectly states that "Zendle discloses, in Figures. 6B and 8 a hub indoor unit

622 that includes line cards 812". As previously noted the line cards 812 are associated with IDU 806 which is a part of the subscriber 716. Thus Zendle does not disclose line cards in the indoor unit 622 of the Hub.

The Office also responded that "The signal processor is coupled to the wireless link interfaces via the transmitter/receiver pair", however the Office states in the rejection that the first communication processor is the transmitter/receiver pair, and specifically the rejection reads "Yang teaches a first communication processor (304a, Fig.3, page 3 paragraph 38) operatively connected to a plurality of wireless communication link interfaces (310a, 310b)". Again the Office's response contradicts the stated rejection.

Applicant has made arguments against the rejections and the Office's reply includes statements contrary to the actual rejection recited. Is the Office relying on the current rejections which have been shown by Applicant, as well as through admissions by the Office, to be improper or is the Office relying upon their reply to Applicant's argument, even though the Office's reply does not support a *prima facie* rejection. In either case, the Office has failed to meet the requirements for a *prima facie* rejection and thus the rejections must be withdrawn.

REJECTIONS

The Examiner has improperly maintained the rejection of Claims 1-13, 15-19, 23-36, 38-50, 52-56 and 60-63 under 35 U.S.C. § 103(a) as being unpatentable over Zendle (US 6,865,170) in view of Carney (US 6,011,785) and Yang *et al.* (U.S. 2001/0033600).

Zendle does not disclose all the features attributed to it by the Office and further teaches against the actual teachings associated with Yang and Carney. In addition, the motivation provided by the Office with regards to Yang, is contrary to Yang's teachings.

The Office incorrectly purports that Zendle "teaches...the hub includes: indoor units 622 with line cards (signal processors) coupled to antennas" and cites col. 6, lines 42-44 as a basis. Nowhere in Zendle is there a teaching that the line cards are in the hub indoor unit and that signal processing, other than that performed in the hub radio units, is performed. The line cards referred to in Zendle are associated with the indoor units 806 of the remote or subscriber units; on this fact the specification is clear. Zendle specifically notes:

"Indoor units 806 are used to interface with customer premises equipment (CPE) 810. A preferred embodiment of the indoor unit includes a chassis with slots for receiving service specific line cards."

Therefore, the Office has not shown that the Hub indoor units, as clearly distinguished from the subscriber indoor units, provide signal processing. The rejection is improper for at least this reason.

In addition, the Office incorrectly attempts to use Yang to teach a first communication processor operatively connected to a plurality of wireless communication link interfaces.

Yang only teaches the radio unit (i.e., the receiver/transmitter pair) connected to two antennas, therefore the only teaching Yang can provide is connecting a receiver/transmitter pair to multiple antennas. As such, this teaching would apply only to the hub radio units (620) the receiver/transmitter pair, not the Hub IDUs. This however, could be contrary to the teachings of Zendle.

Zendle specifically discloses:

“Each antenna preferably includes a corresponding hub radio unit 620. To avoid signal losses associated with coaxial lines and waveguides at 38GHZ, the hub radio units are preferably coupled to a corresponding antenna as an integral unit which is mounted on a roof top or tower” Col. 6, ll. 36-41

Therefore, not only does Zendle teach against connecting the receiver/transmitter pair (hub radio unit) to multiple antennas, as allegedly taught in Yang, but also teaches against the use of a bus, as allegedly taught by Carney, since the bus would create additional signal losses and prevent the radio unit and antenna from being integral. Additionally, The Office’s motivation regarding “providing additional communication links to support the traffic loads” is not supported by Yang. Yang, explicitly states:

“The details regarding each transmitter and receiver pair 304a-304d, commonly referred to as a baseband-processor, have already been discussed with relation to FIG. 1. Each baseband-processor can support a single broadband channel.”
Para [0038]

Clearly, connecting multiple antennas to the baseband-processor can not provide additional communication links to support the traffic load as the baseband-processor can

only support a “single broadband channel” and thus as the motivation fails. So too does the rejection.

Therefore, as Zendle does not disclose the use of Hub Line cards relied upon by the Office, teaches against multiple interfaces for the hub radio units, teaches against the use of a bus, and as Yang contradicts the Office’s motivation for using multiple interfaces to provide additional communication links to support the traffic loads, the rejection of Claims 1 and 38 are improper for at least one of the enumerated reasons and must be withdrawn.

Likewise, the rejections of Claims depending from Claims 1 and 38 as being unpatentable over Zendle, Carney and Yang are also improper irrespective of the additional patentable feature recited therein.

Claims 20-22 and 57-59 remain improperly rejected under 35 U.S.C. § 103(a) as being unpatentable over Zendle and Carney, in view of Stanwood et al. (US 6,731,946).

The Office’s rejection is improper on its face, Claims 20-22 and 57-59 depend from Claims 1 and 38, respectively. The Office acknowledges that Zendle and Carney “fails to explicitly disclose a first communication processor operatively connected to a plurality of wireless communication link interfaces” and attempts to use Yang to correct this deficiency. However, in the present rejection the Office has failed to even attempt to provide the elements acknowledged to be missing in Zendle and Carney. Therefore, irrespective of the additional patentable features recited in Claims 20-22 and 57-59, the

rejections fail as Zendle, Carney, with or without Stanwood, fail to meet the limitations of Claims 1 and 38.

The rejection is improper and must be withdrawn.

The Office has again improperly rejected Claims 14, 27 and 51 as being unpatentable over Zendle and Carney in view of Foster.

Again, this rejection is improper on its face, for the same reasons as noted above. Claims 14 and 51 depend from Claims 1 and 38, and Claim 27 recites the same feature of the hub processor connected to a plurality of interfaces and Foster does not correct the deficiencies of Zendle and Carney, as acknowledged by the Office, with respect to Claims 1 and 38.

The rejection is improper and must be withdrawn.

CONCLUSION

As acknowledged in the current Office Action and in the earlier Examiner interview, Claims 1, 17 and 38 are not rendered unpatentable over Zendle and Carney. The Office has attempted to use Yang to correct the deficiencies with respect to Zendle and Carney. However, as discussed above, Yang does not correct all the deficiencies of Zendle and Carney and provides a further teaching against their modification. In

addition, the rejections of Claims 20-22, 57-59 and 14, 27 and 51 are improper on their face. Therefore, the Applicant requests withdrawal of all the rejections.

The Finality of the Office action has also been shown to be improper. Therefore, the Applicant requests withdrawal of the Finality in a subsequent Office Action.

Applicant respectfully submits that the claims are in condition for allowance. A notice to this effect is respectfully requested.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

While an extension of time is not deemed necessary, the Office is requested and hereby authorized to charge the appropriate extension-of-time fees needed to maintain the application pending against Deposit Account No. **04-1679** to Duane Morris LLP.

Respectfully submitted,



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